



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

September 16, 2015

System No. 5010019

Michael Cooke, Municipal Services Director
City of Turlock
156 S. Broadway, Suite 270
Turlock, CA 95380

TRANSMITTAL OF CITATION NO. 01-10-15C-010

The City of Turlock (hereinafter "City") water system (No. 5010019) violated the nitrate maximum contaminant level, as specified in Title 22, Section 64431, of the California Code of Regulations, in August 2015. The State Water Resources Control Board, Division of Drinking Water has issued Citation No. 01-10-15C-010, in response to this violation. The Citation is being transmitted to the City under cover of this letter.

Please respond to the Directives of this Citation by the deadlines established with each item. If you have any questions regarding this Citation, please contact Brian Kidwell by email at Brian.Kidwell@waterboards.ca.gov or by phone at (209) 948-3963.

Sincerely,

Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

Citation No. 01-10-15C-010

Certified Mail No. 7004 2890 0002 0057 9614

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | www.waterboards.ca.gov

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: City of Turlock
156 S. Broadway, Suite 270
Turlock, CA 95380

Attn: Mr. Michael Cooke, Municipal Services Director
City of Turlock

**CITATION FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE
SECTION 116555(a)(1) AND CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64431
VIOLATION OF THE NITRATE MAXIMUM CONTAMINANT LEVEL
WATER SYSTEM NO. 5010019
C I T A T I O N N O . 01-10-15C-010
Issued on September 16, 2015**

The State Water Resources Control Board (hereinafter “Water Board”), acting by and through its Division of Drinking Water (hereinafter “Division”) and the Deputy Director for the Division (hereinafter “Deputy Director”), hereby issues this Citation (hereinafter “Citation”) pursuant to Section 116650 of the California Health and Safety Code (hereinafter “CHSC”) to the City of Turlock (hereinafter, “City”) for violation of California Code of Regulations (CCR), Title 22, Section 64431.

1 **APPLICABLE AUTHORITIES**

2 **Section 116650 of California Health and Safety Code provides:**

3
4 (a) If the Division determines that a public water system is in violation of this chapter
5 or any regulation, permit, standard, citation, or order issued or adopted thereunder,
6 the Division may issue a citation to the public water system. The citation shall be
7 served upon the public water system personally or by certified mail. Service shall be
8 deemed effective as of the date of personal service or the date of receipt of the
9 certified mail. If a person to whom a citation is directed refuses to accept delivery of
10 the certified mail, the date of service shall be deemed to be the date of mailing.

11
12 (b) Each citation shall be in writing and shall describe the nature of the violation or
13 violations, including a reference to the statutory provision, standard, order, citation,
14 permit, or regulation alleged to have been violated.

15
16 (c) A citation may specify a date for elimination or correction of the condition
17 constituting the violation.

18
19 (d) A citation may include the assessment of a penalty as specified in subdivision (e).

20
21 (e) The Division may assess a penalty in an amount not to exceed one thousand
22 dollars (\$1,000) per day for each day that a violation occurred, and for each day that a
23 violation continues to occur. A separate penalty may be assessed for each violation.

Section 116555(a)(1) of California Health and Safety Code provides, in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

California Code of Regulations, Title 22, Section 64431 provides, in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

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The City water system is publically owned and operated. The water system is located in Stanislaus County, on California Highway 99, approximately 15 miles southeast of the City of Modesto. The City's service area is approximately 25 square miles in size. The water system is classified as a community water system that serves primarily residential customers living within the City's service area. The water system serves approximately 70,132 people through 18,365 service connections. The water system is operated by City personnel.

Of the City's twenty-one wells, eleven are sampled for nitrate on a quarterly, or more frequent, basis. Well No. 32, which was down for repairs and not being introduced to the distribution system, was sampled for nitrate on August 3, 2015. The result was 11.16 mg/L, as nitrogen, (49.4 mg/L (as NO₃) multiplied by a factor of 0.2259 to convert from NO₃ to nitrogen), which is above the nitrate (as nitrogen) Maximum Contaminant Level (hereinafter "MCL") of 10. mg/L. In an email dated August 6, 2015, the City asked:

1 "If the well is not discharging to the distribution system do we still report
2 or EDT the results?"
3

4 The Division responded to the inquiry, and instructed the City to report all nitrate
5 sampling in accordance with Section 64469 of the CCR.
6

7 **§64469 Reporting Requirements.**

8 (a) Analytical results of all sample analyses completed in a calendar
9 month shall be reported to the State Board no later than the tenth day of
10 the following month.
11

12 (c) Analytical results shall be reported to the State Board electronically
13 using the Electronic Deliverable Format as defined in The Electronic
14 Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated
15 April 2001 and Data Dictionary dated April 2001.
16

17 Section 64432.1(1) of the CCR provides in relevant part:
18

19 **§64432.1 Monitoring and Compliance--Nitrate and Nitrite.**

20 (1) The water supplier shall require the laboratory to notify the supplier
21 within 24 hours whenever the level of nitrate in a single sample exceeds
22 the MCL, and shall ensure that a contact person is available to receive
23 such analytical results 24-hours a day. The water supplier shall also
24 require the laboratory to immediately notify the State Board of any acute
25 nitrate MCL exceedance if the laboratory cannot make direct contact
26 with the designated contact person within 24 hours. Within 24 hours of
27 notification, the water supplier shall:



(A) Collect another sample, and
(B) Analyze the new sample; if the average of the two nitrate sample results exceeds the MCL, report the result to the State Board within 24 hours. If the average does not exceed the MCL, inform the State Board of the results within seven days from the receipt of the original analysis.

The City collected a follow-up nitrate sample on August 7, 2015. However, this was not within 24 hours as noted above, therefore the follow-up sample could not be used to determine compliance.

Since the August 3, 2015 nitrate sample, which was above the MCL, the City has been collecting bi-weekly nitrate samples from Well No. 32 and tracking the results. The latest Well No. 32 nitrate results are summarized in the table below.

Well No. 32 Nitrate Results

Date	Results as NO ₃ (mg/L)	Calculated Results as N (mg/L)
8/7/2015	38.3	8.65
8/11/2015	39.8	8.99
8/13/2015	40	9.04
8/18/2015	38.2	8.63
8/20/2015	43	9.71
8/25/2015	39	8.81
8/27/2015	38	8.58
9/1/2015	38.6	8.72
9/3/2015	39.5	8.92

It should be noted, that when the samples were being collected from Well No. 32 the water was being pumped to waste and not to the distribution system.



1 **DETERMINATION**

2 The Division has determined that the City failed to comply with Section 116555(a)(1)
3 of the California Health and Safety Code as well as Section 64431 of the California
4 Code of Regulations due to the fact that the City's source water exceeded a primary
5 MCL noted in table 64431-A. Specifically, the nitrate (as nitrogen) results for Well No.
6 32, 11.16 mg/L, exceeded the nitrate MCL of 10. mg/L. Therefore the City is in
7 violation of Section 116555(a)(1) of the California Health and Safety Code and
8 Section 64431 of the California Code of Regulations.

9
10 It should be noted, that since the water from Well No. 32 was not pumped to the
11 distribution system, the City was not required to conduct Tier 1 Public Notice.

12
13 **DIRECTIVES**

14 The City is hereby directed to take the following actions:

15
16 1. Nitrate poses an acute health hazard especially to infants and young
17 children at high levels of exposure. Since Well No. 32 has exceeded the
18 nitrate MCL, the Division will not allow the City utilize Well No. 32 without:

19
20 a. The installation of an approved treatment process to remove nitrate
21 from the water.

22
23 Or

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25 b. Providing the Division with sufficient nitrate monitoring data which
26 shows the nitrate levels in Well No. 32 have dropped well below the
27 MCL.



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2. If the City elects not to install nitrate removal treatment, and keep the well as an active source, then the City must take the following actions:
 - a. Submit to the Division, for review and approval, a detailed Well No. 32 Corrective Action Plan (CAP) by October 23, 2015. The Well No. 32 CAP shall include at a minimum:
 - Routine nitrate sampling schedule.
 - The plan shall require daily samples, for a week, which show the nitrate level at or below 8.0 mg/L, before requesting Division approval to utilize Well No. 32.
 - The plan shall also note that all requests, to utilize Well No. 32, must be in writing on City letterhead.
 - The plan must also note that Well No. 32 may not be pumped to the distribution system without written Division approval.
 - The Well No. 32 CAP must be initiated if Well No. 32 is offline for more than 24 hours.
 - b. Before the well can be brought back online, the City must install an online nitrate analyzer at Well No. 32.
 - c. The online nitrate analyzer must be in working condition during times the well is in operation.
 - d. The nitrate analyzer shall be programmed to sound an alarm, via the SCADA System, if the nitrate level reaches 8.0 mg/L. The SCADA



1 System shall be programmed to shut the well down if the nitrate level
2 reaches 9.0 mg/L.

3
4 e. The nitrate analyzer shall be calibrated/maintained per the manufacturer's
5 recommendation.

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7 f. The well shutdown feature shall be tested before putting the well online
8 and then at least once per week. The records shall be maintained and
9 provided to the Division on a monthly basis.

10
11 g. When the well first starts pumping to the system, the well shall be tested
12 daily, for a week, for nitrate and samples shall be analyzed by a State
13 certified laboratory. When a sample is collected for laboratory analysis,
14 the reading on the nitrate analyzer shall also be noted and later compared
15 to the laboratory result when available.

16
17 h. If the well nitrate results stay below 8.0 mg/L during the daily testing, for
18 one week, then the frequency can be reduced to once per week.

19
20 i. Every time the well is offline for more than a 6-hour period, conditions g
21 and h, listed above, will apply.

22
23 j. Every effort shall be made to keep the well online 24 hours per day.

24
25 The Division reserves the right to make such modifications to this Citation as it may
26 deem necessary to protect public health and safety. Such modifications may be
27 issued as amendments to this Citation, and shall be deemed effective upon issuance.



1
2 Nothing in this Citation relieves the City of its obligation to meet the requirements of
3 the California Safe Drinking Water Act, or of any regulation, permit, standard, or order
4 issued or adopted thereunder.

5
6 All submittals required by this Citation shall be submitted to the Division at the
7 following address:

8
9 Brian Kidwell, P.E.
10 Associate Sanitary Engineer
11 State Water Resources Control Board, Division of Drinking Water
12 31 E. Channel Street, Room 270
13 Stockton, CA 9202
14

15 **PARTIES BOUND**

16 This Citation shall apply to and be binding upon the City, its officers, directors,
17 shareholders, agents, employees, contractors, successors, and assignees.

18
19 **SEVERABILITY**

20 The Directives of this Citation are severable, and the City shall comply with each and
21 every provision thereof, notwithstanding the effectiveness of any other provision.

22
23 **FURTHER ENFORCEMENT ACTION**

24 The California SDWA authorizes the Board to: issue citation with assessment of
25 administrative penalties to a public water system for violation or continued violation of
26 the requirements of the California SDWA or any permit, regulation, permit or order
27 issued or adopted thereunder including, but not limited to, failure to correct a violation
28 identified in a citation or compliance order. The California SDWA also authorizes the
29 Board to take action to suspend or revoke a permit that has been issued to a public



1 water system if the system has violated applicable law or regulations or has failed to
2 comply with an order of the Board; and to petition the superior court to take various
3 enforcement measures against a public water system that has failed to comply with
4 violates an order of the Board. The Board does not waive any further enforcement
5 action by issuance of this citation.
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11 9-15-2015

12 Date

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Bhupinder S. Sahota, P.E.
District Engineer, Stockton District
Division of Drinking Water
State Water Resources Control Board

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